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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING Docket Number (Optional) **REJECTION OVER A "PRIOR" PATENT** 056291-5062-01 In re Application of: BREAULT et al. Application No.: 10/771,118 Filed: February 4, 2004 For: 2,4-DIAMINO PYRIMIDINE COMPOUNDS HAVING ANTI-CELL PROLIFERATIVE ACTIVITY The owner, AstraZeneca AB except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond 100 \_percent interest in the instant application hereby disclaims, the expiration date of the full statutory term prior patent No. 6.632.820 the expiration date of the full statutory term prior patent No. 6.632.820 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns. In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later. expires for failure to pay a maintenance fee; is held unenforceable; is found invalid by a court of competent jurisdiction; is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321; has all claims canceled by a reexamination certificate; is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer. Check either box 1 or 2 below, if appropriate. For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the business/organization. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. 2. The undersigned is an attorney or agent of record. June 20, 2006 Donald J. Bird Typed or printed name 202-739-5320

Terminal disclaimer fee under 37 CFR 1.20(d) included.

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ATTENTION: MAIL STOP - AMENDMENT

In re APPLICATION of: Confirmation No: 8825

BREAULT et al. Group Art Unit: 1614

Appln. No.: 10/771,118

Filed: February 4, 2004 Prior Examiner: RAO
FOR: PYRIMIDINE COMPOUNDS

1. Amendment and Response, fee auth if nec.

 Two (2) terminal disclaimers and fees (\$130 ea – total \$260), deposit acct. auth.

3. Three (3) month extension of time and fee auth. (\$1020)

Attorney Docket No.: 056291-5062-01

Dated: June 20, 2006

DJB/ds





NO. 003 P. 1

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## **COMMENTS**

Re:

U.S. Patent Application No.: 10/771,118

Title: 2,4-Diamino Pyrimidine Compounds Having

Anti-Cell Proliferative Activity Inventors: Gloria A. BREAULT et al. Our Reference: 056291-5062-01

Attached is the "missing" terminal disclaimer and a copy of our stamped receipt card indicating two (2) terminal disclaimers were filed and the fee authorizations.

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Attorney: Client: Donald J. Bird

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